

**BOARD OF REGISTERED NURSING**  
**Administrative**  
**Agenda Item Summary**

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**AGENDA ITEM: 7.1**  
**DATE: February 20, 2009**

**ACTION REQUESTED:** Information Only: Presentation of the 2008 Annual Report from the Health Professions Education Foundation for the Scholarship and Loan Repayment Awards Program

**REQUESTED BY:** LaFrancine Tate, President  
Chairperson, Administrative Committee

**BACKGROUND:**

The purpose of the Scholarship and Loan Repayment Awards Program for Registered Nurses is to ensure that funds are available to support the education of Registered Nurses in Associate and Baccalaureate degree nursing programs in counties with the highest need. The Programs are funded by the Registered Nurses Education Fund, supported through a \$10 surcharge on Registered Nurse licensure renewals. The Registered Nurses Education Fund was established through Senate Bill 1267 (Maddy, Chapter 252, Statutes of 1988) to address the shortage of registered nurses available to practice direct patient care in medically underserved areas of California. The Health Professions Education Foundation (Foundation) administers the Scholarship and Loan Repayment Awards program.

Ms. Lupe Alonzo-Diaz, Executive Director from the Foundation will be presenting information about the Registered Nurse Education Fund.

**NEXT STEPS:** None

**FISCAL IMPLICATIONS,  
IF ANY:** None

**PERSON(S) TO CONTACT:** Ruth Ann Terry, MPH, RN  
Executive Officer  
(916) 574-7600

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**AGENDA ITEM: 7.2**  
**DATE: February 20, 2009**

**ACTION REQUESTED:** Adopt/Not Adopt: Amendments to 16 CCR §§ 1419, 1419.1, and 1419.3, requiring fingerprinting and other conditions of renewal

**REQUESTED BY:** LaFrancine Tate, President  
Chairperson, Administrative Committee

**BACKGROUND:**

The Board approved adoption of emergency regulations requiring fingerprinting of registered nurses and disclosure of convictions, with specified exceptions, at the time of license renewal. The Office of Administrative Law (OAL) approved the regulations, effective November 24, 2008. The Board has until May 26, 2009, to adopt the regulations through the regular regulatory process for them to become permanent. Accordingly, staff has proceeded with the regular rulemaking process.

The text of the proposed regulations, which is attached, is different from that approved by the Board at its October 23, 2008 meeting. Specifically, a requirement that renewal applicants disclose discipline of any other license, since last renewal, was added. The Board probably has authority to require disclosure of the information pursuant to existing statute and regulation; however, addition of the language provides clear authority to do so. Requiring the information enhances the Board's ability to protect consumers. Furthermore, the Department of Consumer Affairs has required that all boards and bureaus include the license discipline disclosure item on license renewal applications. Several other non-substantive changes have been made, as indicated.

With respect to the regulatory process, the Notice was published in the Regulatory Notice Register and a public hearing was held February 17, 2009. Thus far, we have received 17 e-mails (10 questions and 7 comments) regarding the regulatory proposals, as follows:

**Questions**

- 7 stating they had been fingerprinted by another agency, and wanting to know if they had to be fingerprinted for the BRN.
- 3 fingerprinted previously or not sure if fingerprinted, wanting to know what to do

**Comments**

- 4 opposed to the regulations, because unnecessary, waste of money and/or time
- 2 good idea
- 1 seeking clarity about circumstances under which the fingerprint requirement is waived.  
(The regulations

Comments received at the public hearing will be presented at the Board meeting.

**NEXT STEP:**

Continue with the regulatory process.

**FINANCIAL IMPLICATIONS  
IF ANY:**

**PERSON TO CONTACT:**

Ruth Ann Terry, MPH, RN  
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## BOARD OF REGISTERED NURSING

### Specific Language

#### **(1) Amend Section 1419 of Division 14 of Title 16 of the California Code of Regulations to read as follows:**

##### **1419. Renewal of License.**

(a) A renewal application shall be on the form provided by the board, accompanied by the fee specified in Section 1417(a)(3) and required information and filed with the board at its office in Sacramento.

(b) For a license that expires on or after March 1, 2009, as a condition of renewal, an applicant for renewal not previously fingerprinted by the board, or for whom a record of the submission of fingerprints no longer exists, is required to furnish to the Department of Justice, as directed by the board, a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice. Failure to submit a full set of fingerprints to the Department of Justice on or before the date required for renewal of a license is grounds for discipline by the board. It shall be certified on the renewal form whether the fingerprints have been submitted. This requirement is waived if the licensee is renewed in an inactive status, or is actively serving in the military outside the country.

(c) As a condition of renewal, an applicant for renewal shall disclose on the renewal form whether, since he or she last renewed his or her license, he or she has been convicted, ~~as defined in Section 2765~~ of any violation of the law in this or any other state, the United States or its territories, military court, or other country, omitting traffic infractions under \$300 not involving alcohol, a dangerous drug, or a controlled substances.

(d) As a condition of renewal, an applicant for renewal shall disclose on the renewal form whether, since he or she last renewed his or her license, he or she has had a license disciplined by a government agency or other disciplinary body. Discipline includes, but is not limited to, suspension, revocation, voluntary surrender, probation, reprimand, or any other restriction on a license held.

~~(d)~~(e) Failure to provide all of the information required by this section renders any application for renewal incomplete and not eligible for renewal.

Note: Authority cited: Sections 2708.1, 2715, 2761(a)(4), and 2761(f), Business and Professions Code. Reference: Sections 2715, 2761(f), 2765 and 2811, Business and Professions Code; and Section 11105(b)(10), Penal Code.

**(2) Amend Section 1419.1 of Division 14 of Title 16 of the California Code of Regulations to read as follows:**

**1419.1. Inactive License.**

A license may be maintained in an inactive status by paying the renewal fee as it becomes due. The licensee shall not practice nursing during the time the license is inactive.

To activate an inactive license, the licensee must submit a written request and evidence of 30 hours of approved continuing education taken during the two year period immediately preceding the request for activation. A licensee activating a license pursuant to this section shall furnish a full set of fingerprints as required by and set out in section 1419(b) as a condition of activation.

Note: Authority cited: Sections 2708.1, 2715 and 2761(f), Business and Professions Code. Reference: Sections 2734 and 2761(f), Business and Professions Code; and Section 11105(b)(10), Penal Code.

**(3) Amend Section 1419.3 of Division 14 of Title 16 of the California Code of Regulations to read as follows:**

**1419.3. Reinstatement of Expired License.**

In the event a licensee does not renew his/her license as provided in Section 2811 of the code, the license expires. A licensee renewing pursuant to this section shall furnish a full set of fingerprints as required by and set out in section 1419(b) as a condition of renewal.

(a) A licensee may renew a license that has not been expired for more than eight years by paying the renewal and penalty fees as specified in Section 1417 and providing evidence of 30 hours of continuing education taken within the prior two-year period.

(b) A licensee may renew a license that has been expired for more than eight years by paying the renewal and penalty fees specified in Section 1417 and providing evidence that he or she holds a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or by passing the Board's current examination for licensure.

Note: Authority cited: Sections 2708.1, 2715, 2761(f), and 2811.5, Business and Professions Code. Reference: Sections 2761(f), 2811 and 2811.5, Business and Professions Code; and Section 11105(b)(10), Penal Code.

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**AGENDA ITEM: 7.3**  
**DATE: February 20, 2009**

**ACTION REQUESTED:** Information Only: Update on BRN 2008 Regulatory  
Action BRN 2009 Regulatory Calendar

**REQUESTED BY:** LaFrancine Tate, President  
Chairperson, Administrative Committee

**BACKGROUND:**

**REGULATORY ACTION UPDATE:** The Board has statutory authority to adopt, amend, and repeal regulations to implement provisions of the Nursing Practice Act. The regulations are found in Title 16, Division 14, of the California Code of Regulations (CCR). During calendar year 2008, the following regulatory actions occurred:

**Fingerprinting and Conviction Disclosure Requirements, CCR 1419, 1419.1, 1419.3** At a specially scheduled Board meeting on October 23, 2008, the Board approved emergency regulations that require the fingerprinting of all registered nurses who were not previously fingerprinted by the Board or for whom a fingerprint record no longer exists. The regulation applies primarily to registered nurse licensed prior to August 1990, since fingerprints were not required for licensure prior to that date or the records are no longer available. The requirement is effective at the time of license renewal for licenses that expire on or after March 1, 2009. In addition, the amendments require that, upon license renewal, all licensees disclose whether they have been convicted of any violation of law, with specified exceptions, since they last renewed their license. The emergency regulatory action was approved by the Office of Administrative Law (OAL) effective November 24, 2008, and expires May 26, 2009.

In order for the regulations to become permanent, the Board must adopt the emergency regulations through the regular rulemaking process. The regular rulemaking process for the regulations has proceeded; the notice of proposed regulatory action was published in the Regulatory Notice Register and a public hearing was held February 17, 2009. Board action to adopt/not adopt amending the regulations to require disclosure of other license discipline, at the time of license renewal, is a Board agenda item at today's meeting. The regulatory process must be completed prior to expiration of the emergency regulations.

**Schools of Nursing/Nursing Programs, CCR Article 3, Section 1420, et seq.** At its September 2008 meeting, the Board approved the proposed amendments of Article 3, and authorized staff to make non-substantive changes, as necessary, and to proceed with the rulemaking process. However, in addition to several non-substantive changes, staff identified substantive changes that require Board approval. The regulatory proposal is being submitted for action at today's Board meeting.

The proposed amendments clarify and strengthen the authority, responsibility, and

accountability of the nursing program director; establish a minimum passage rate of 75% for first time licensing examination candidates as an approval criterion; delineate requirements for a Board-approved preceptor course; and incorporate by reference several Board documents, including the instructions for proposed new nursing programs. The development of the regulatory proposal has been lengthy and has provided multiple opportunities for public input. The initial version of the proposed amended Article was distributed to directors of Board-approved pre-licensure nursing programs. Additionally, in the later part of 2008, the proposed amendments that were presented for Education/Licensing Committee (ELC) or Board action were available on the Board's website. Public forums were held in May 2008 in Los Angeles and Sacramento, and the public was afforded an opportunity to comment ELC and Board meetings. The proposed regulations were revised, as necessary and appropriate, to incorporate public comments.

**Disciplinary Guidelines, CCR Section 1444.5:** The Board's "Recommended Guidelines for Disciplinary Orders and Conditions of Probation" are incorporated by reference in CCR Section 1444.5. The Board has approved revisions for the "Introductory Language and Standard Probation Conditions" section and the Mental Health Examination condition. Staff is working on proposed revisions for the remaining sections, and will submit to the Diversion/Discipline Committee August 2009.

**2009 REGULATORY CALENDAR:** State agencies are required to submit a rulemaking calendar annually to OAL for publication in the California Regulatory Register. The rulemaking calendar, which describes projected changes to the California Code of Regulations, was submitted to OAL prior to the February 13, 2009, due date, and will be posted on both the BRN and OAL websites. The calendar included six (6) items:

**(1) Amend the schools of nursing/nursing programs regulations.**

**(2) Amend the Disciplinary Guidelines regulations.**

**(3) Adopt Article 10, Clinical Nurse Specialists regulations,** which were approved by the Board September 2007.

**(4) Registered Nurse License Application, CCR Section 1410:** Amend the regulation to include requirement that applicants for licensure with non-English, non-U.S. transcripts and academic documents must, under specified circumstances, provide the documents translated into English by an independent, professional translator.

**(5) Pharmacology Course for Furnishing of Drugs and Devices, Adopt Section:** Adopt regulations specifying the pharmacology course requirements that must be completed by nurse practitioners and nurse-midwives to furnish drugs and devices, and specifying the requirements necessary for nurse practitioners to furnish Schedule II controlled substances.

**(6) Disclosure Policy, Adopt Section:** Place the "BRN Disclosure Policy" for disciplinary matters in regulations.

**NEXT STEP:** Continue with the internal and external regulatory process, as appropriate.

**FISCAL IMPLICATIONS,**

**IF ANY:**

None

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